

REMARKS

Claim 5 has been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 1-4, 8, 10 and 11 are allowed. Claims 1-4, 7, 8, 10 and 11 are pending and under consideration. No new matter is presented in this Amendment. Claims 1-4, 7, 8 and 10 are the independent claims.

REJECTIONS UNDER 35 U.S.C. §112:

Claim 7 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The Office Action indicates that the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In particular the Office Action indicates that the specification does not show the steps of "dividing the sampling cycle between the two sampling points by the sum of the amplitudes of the two sampling points and multiplying the smaller sample point amplitude by the divided amount."

Applicants respectfully traverse this rejection and submit that claim 7 is enabled by the specification and therefore fully complies with the requirements of 35 U.S.C. § 112, first paragraph, as noted below.

The recitations of claim 7 are properly supported by the specification at least at paragraphs [0020], [0021] and formula 1. For example, paragraph [0020] recites that "Letters 'a' and 'b' in Fig. 6 are amplitudes of a sampling signal which can be obtained by sampling an analog input signal." Paragraph [0020] also discloses that "in Fig. 6, b' is a jitter value" and that "the sampling cycle is equal to a system clock cycle, so that b' added to a' equals a system clock." Finally, Formula 1 provides additional support for the recitations of independent claim 7.

Accordingly, Applicants respectfully submit that the specification properly and fully supports the recitations of independent claim 7.

Furthermore, it is noted that the Examiner has previously examined this claim and in such cases the Examiner has found the recitations of claim 7 to fully comply with the enablement

requirement.

Therefore, Applicants respectfully submit that the rejection of claim 7 under 35 U.S.C. § 112, first paragraph, is improper and should be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103:

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya et al. (U.S. Patent 6,256,003 B1) and further in view of Cloutier (U.S. Patent 5,790,543).

Applicants respectfully traverse this rejection for at least the following reasons.

Claim 5 has been cancelled without prejudice or disclaimer of the subject matter recited therein. Accordingly, the rejection of independent claim 5 is moot.

ALLOWABLE SUBJECT MATTER:

Claims 1-4, 8, 10, and 11 are allowable.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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